

SENATE BILL 928

By Ketron

AN ACT to amend Tennessee Code Annotated, Section 68-104-112 and Section 68-104-114, relative to fireworks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-104-112(a)(1), is amended by deleting it in its entirety and by substituting instead the following:

(1) To purchase any Class C common fireworks, a person must be at least sixteen (16) years of age. Any person sixteen (16) or seventeen (17) years of age who wishes to purchase Class C common fireworks must prove his/her age to the retailer by a state issued photo identification or be accompanied by an adult. It is a Class C misdemeanor punishable as provided in § 68-104-114 to offer for retail sale or to sell any Class C common fireworks to any person under sixteen (16) years of age or to any intoxicated or irresponsible person.

SECTION 2. Tennessee Code Annotated, Section 68-104-114, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Notwithstanding the provisions of subsection (a), a violation of § 68-104-112 (a)(1) is a Class C misdemeanor punishable by a fine only to the retailer of up to five hundred dollars (\$500) for the first offense, a fine of up to one thousand dollars (\$1,000) for the second offense, and a fine of up to one thousand dollars (\$1,000) and a suspension of the retail permit for up to one (1) year for subsequent offenses. Pursuant to § 16-18-302(a)(2), any municipality may adopt an ordinance that mirrors, substantially duplicates or incorporates by reference the provisions of § 68-104-112(a)(1); provided

that the maximum penalty prescribed by such ordinance is a civil fine not in excess of fifty dollars (\$50.00) and court costs.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.